

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

PRINCE MCCOY, SR.

§

VS.

§ CIVIL ACTION NO. 1:21-CV-38

ANISA R. JOSEPH, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION

Plaintiff Prince McCoy, Sr., a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Anisa R. Joseph, Jared C. O'Neal, Joanie R. Fontenot, Joseph Thomas, Kate R. Lewis, and Pedro Boykin.

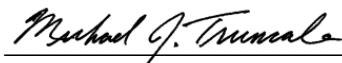
The Court referred this matter to a United States Magistrate Judge for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends granting the defendants' motions to dismiss to the extent that the claims against them in their official capacities for damages should be dismissed and the conspiracy and excessive force claims against defendants Lewis, O'Neal, and Thomas should be dismissed for failure to state a claim upon which relief may be granted. The magistrate judge recommended denying the motion in all other respects.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the report and recommendation have been filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge [Dkt. 32] is ADOPTED. Defendants' Motions to Dismiss [Dkt. 7 and Dkt. 15] are GRANTED to the extent that the claims against them in their official capacities for damages should be dismissed and the conspiracy and excessive force claims against defendants Lewis, O'Neal, and Thomas are DISMISSED. In all other respects, the motions to dismiss are DENIED.

SIGNED this 28th day of March, 2022.

  
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Michael J. Truncale  
United States District Judge